

### **Remarks/Arguments**

#### **Claim Objections**

The Examiner objected to Claim 15 due to informalities. Claim 15 has been amended, as suggested by the Examiner, to overcome the objections. The objection should be removed.

#### **The Rejection of Claims 2, 4-6, 8, 11, 17 and 18 Under 35 U.S.C. §102(b)**

The Examiner rejected Claims 2, 4-6, 8, 11, 17 and 18 under 35 U.S.C. §102(b) as being anticipated by Leitz Service in Ergolux B 0 1-Ersatztelliste manual (“Leitz”). Applicants respectfully traverse the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

#### **Claim 2**

##### **Leitz does not teach the upper stage recited in Claim 2**

In Claim 2, upper stage (14) supports slide mount (16). This arrangement is fully supported by the specification. For example, paragraph [0026] states that upper stage (14) supports slide mount (16) and Figures 2 and 3 show that slide mount (16) is positioned on top of upper stage (14). In Leitz, “upper stage” (1) is supported by “slide mount” (44), the reverse of the arrangement recited in Claim 2. Moreover, it is clear that one skilled in the art would not equate the simple glass plate depicted as (1) in Leitz to an upper stage, in particular, the upper stage (14) recited in Claim 2. An upper stage has a clear meaning and function in the field of microscopy and element (1) of Leitz fails to meet this meaning and function.

Leitz does not teach all the elements of Claim 2, therefore, Claim 2 is novel with respect to Leitz. Claims 4-6, 8, 11 and 18, dependent from Claim 2, enjoy the same distinction from the cited prior art. Applicants courteously request that the rejection be removed.

### **Claim 17**

Claim 17 recites an upper stage substantially similar to the upper stage recited in Claim 2. Applicants have shown that Leitz does not teach the upper stage recited in Claim 2. Therefore, Leitz does not teach the upper stage recited in Claim 17 and Claim 17 is novel with respect to Leitz. Applicants courteously request that the rejection be removed.

#### The Rejection of Claims 3, 7, 9, 10, 12-14, and 16 Under 35 U.S.C. §103(a)

The Examiner rejected Claims 3, 7, 9, 10, 12-14, and 16 Under 35 U.S.C. §103(a) as being unpatentable over Leitz Service in Ergolux B 0 1-Ersatztelliste manual and U.S. Published Patent Application No. 2003/0169492 (Nishida).

### **Claim 16**

Claim 16 recites an upper stage, substantially similar to the upper stage recited in Claim 2. Applicants have shown that Leitz does not teach an upper stage as recited in Claim 2. Nor does Leitz suggest or motivate an upper stage as recited in Claim 2. The Examiner cited Nishida regarding the shaft recited in Claim 16. However, Nishida does not cure the defects of Leitz with respect to an upper stage. Leitz and Nishida fail to teach, suggest, or motivate all the elements of Claim 16. Therefore, Claim 16 is patentable over Leitz and Nishida. Applicants courteously request that the rejection be removed.

### **Claims 3, 7, 9, 10, and 12-14**

Applicants have shown that Leitz and Nishida do not teach, suggest, or motivate the upper stage recited in Claims 2 and 16. Therefore, Claim 2 is patentable over Leitz and Nishida. Claims 3, 7, 9, 10, and 12-14, dependent from Claim 2, enjoy the same distinction with respect to the cited references. Applicants courteously request that the rejection be removed.

#### The Rejection of Claim 15 Under 35 U.S.C. §103(a)

The Examiner rejected Claim 15 Under 35 U.S.C. §103(a) as being unpatentable over Leitz Service in Ergolux B 0 1-Ersatztelliste manual and U.S. Patent No. 5,907,157 (Yoshioka).

Attorney Docket No. LEAP:126US  
U.S. Patent Application No. 10/721,695  
Reply to Office Action of September 20, 2005  
Date: November 21, 2005

Claim 15 is dependent from Claim 2. Applicants have shown that Leitz does not teach an upper stage as recited in Claim 2. Nor does Leitz suggest or motivate an upper stage as recited in Claim 2. The Examiner cited Yoshioka regarding the shaft recited in Claim 15. However, Yoshioka does not cure the defects of Leitz with respect to an upper stage. Leitz and Yoshioka fail to teach, suggest, or motivate all the elements of Claim 2. Therefore, Claim 2 is patentable over Leitz and Yoshioka. Claim 15, dependent from Claim 2, enjoys the same distinction with respect to the cited references. Applicants courteously request that the rejection be removed.

**Conclusion**

Applicant respectfully submits that all pending claims are in condition for allowance, which action is courteously requested.

Respectfully submitted,



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Dated: November 21, 2005  
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